

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

March 15, 2007

The Marlboro Township Council held its regularly scheduled meeting on March 15, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council Vice President Rosenthal moved that the minutes of February 1 & 15, 2007, be approved. This motion was seconded by Council President Cantor and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council President Cantor opened the Public Hearing on Ordinance # 2007-7 (Amending Chapter 4 - Deleting Dept. of Public Information). As there was no one who wished to speak, the Public Hearing was closed. After discussion, the following Resolution Res. # 2007-106/Ord. # 2007-7 (Amending Chapter 4 -

Deleting Dept. of Public Information) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-106

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-7

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REMOVE THE DEPARTMENT OF PUBLIC INFORMATION

which was introduced on March 5, 2007, public hearing held March 15, 2007, be adopted on second and final reading this 15th day of March, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2007-107 (Designating March as "Women's History Month") was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-107

RESOLUTION DESIGNATING THE MONTH OF MARCH AS  
"WOMEN'S HISTORY MONTH"

WHEREAS, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State; and

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State; and

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history, and

WHEREAS, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- identify, implement, measure and coordinate programs that address the needs of NJ women.
- engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Council of the Township of Marlboro, State of New Jersey, that March 2007 is designated as "Women's History Month - Generation of Women Moving History Forward".

The following Res. # 2007-108 (Supporting "Click It or Ticket") was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-108

RESOLUTION SUPPORTING THE CLICK IT OR TICKET  
MOBILIZATION OF MAY 21 - JUNE 3, 2007

WHEREAS, there were 773 motor vehicle fatalities in New Jersey in 2006; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seat belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket safety belt mobilization from May 21 - June 3, 2007 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 90% to 92%; and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares it's support for the Click it or Ticket safety belt mobilization both locally and nationally from May 21 - June 3, 2007 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

Councilman Pernice recused himself on this matter, and left the room. The following Res. # 2007-109 (Bond Release - Dr. Cilea Site Plan) was introduced by reference, offered by Councilwoman Morelli, and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Pernice).

#### RESOLUTION # 2007-109

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR  
THE DR. CILEA/ADVANCED WELLNESS PROJECT, BLOCK  
225, LOT 240, 4 HOBART STREET

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from Dr. Cilea/Advanced Wellness, for

the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Block 225, Lot 240, 4 Hobart Street(the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 16, 2007 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bonds being held by the Township for the Project conditioned upon: (1) the payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$14,655.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$97,700.00 and the Cash Bond in the original amount of \$97,700.00 posted for the site improvements for the Project be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon: (1) The payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$14,655.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Dr. Cilea/ Advanced Wellness
- b. Selective Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2007-110 (Bond Release - Four Columns) was introduced by reference, offered by Councilwoman Morelli, and seconded by Councilwoman Tragni. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-110

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR THE  
FOUR COLUMNS RESIDENTIAL SUBDIVISION PROJECT, BLOCK 155,  
LOTS 4, 13.01 and 13.02, PLEASANT VALLEY ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from Four Columns, LLC for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Four Columns Residential Subdivision, Block 155, Lots 4, 13.01 and 13.02 (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 26, 2007 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township for the Project conditioned upon: (1) the payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$209,527.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$1,508,597.30 and current amount of \$708,610.68 and the Cash Bond in the original amount of \$167,621.92 and current amount of \$78,734.52 posted for the site improvements for the Project be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon: (1) The payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$209,527.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Four Columns, LLC
- b. Gulf Insurance Company
- c. Township Engineer
- d. Chief Financial Officer

e. Gluck Walrath LLP

The following Res. # 2007-111 (Bond Release - Georgetown Estates I) was introduced by reference, offered by Councilwoman Morelli and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-111

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR THE GEORGETOWN ESTATES SECTION ONE PROJECT, BLOCK 159, LOTS 3,5,6 AND & 7, PLEASANT VALLEY ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from K. Hovnanian at Marlboro Township V, Inc., for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Block 159, Lots 3,5,6 & 7, Pleasant Valley Road(the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated March 5, 2007 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bonds being held by the Township for the Project conditioned upon: (1) the payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$195,904.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$1,410,506.41 and current amount of \$423,151.92 and the Cash Bond in the original amount of \$156,722.93 and current amount of \$47,016.88 posted for the site improvements for the Project be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon: (1) The payment of all outstanding invoices and fees up to the date of the

release; and (2) the posting of a Maintenance Bond in the amount of \$195,904.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Marlboro Township V, Inc.
- b. Fireman's Fund Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2007-112 (Bond Release - Georgetown Estates II) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-112

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS  
FOR THE GEORGETOWN ESTATES SECTION TWO PROJECT, BLOCK  
159, LOTS 3,5,6 AND & 7, PLEASANT VALLEY ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from K. Hovnanian at Marlboro Township V, Inc., for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Block 159, Lots 3,5,6 & 7, Pleasant Valley Road(the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated March 5, 2007 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bonds being held by the Township for the Project conditioned upon: (1) the payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$158,219.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of



New Jersey, that the Performance Bond in the original amount of \$1,139,177.68 and current amount of \$551,580.79 and the Cash Bond in the original amount of \$126,575.30 and current amount of \$61,286.75 posted for the site improvements for the Project be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon: (1) The payment of all outstanding invoices and fees up to the date of the release; and (2) the posting of a Maintenance Bond in the amount of \$158,219.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Marlboro Township V, Inc.
- b. Fireman's Fund Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2007-113 (Bond Reduction - Rosemont Estate Section I and II) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman Pernice. Township Engineer James Priolo answered all questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-113

A RESOLUTION AUTHORIZING THE REDUCTION OF THE  
PERFORMANCE BONDS AND CASH BONDS FOR ROSEMONT  
ESTATES SECTION 1 AND SECTION 2

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received requests from Rosemont Estates, LLC for the reduction of the Performance Bonds and Cash Bonds being held by the Township for Rosemont Estates Sections 1 and 2; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineer which are both dated March 1, 2007 (the "Engineer's Reports"), copies of which are attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report for Section 1 recommends a partial reduction in the current Performance Bond and Cash Bond

being held by the Township, subject to the payment of all fees required by the Developer's Agreements and payment in the amount of \$16,500 for pavement improvements along Wyncrest Road; and

WHEREAS, the Engineer's Report for Section 2 recommends a partial reduction in the current Performance Bond and Cash Bond being held by the Township, subject to the payment of all fees required by the Developer's Agreements and payment in the amount of \$11,500 for pavement improvements along Wyncrest Road and Gordon's Corner Road; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Rosemont Estates Section 1 shall be reduced as follows:

The Performance Bond in the original amount of \$2,239,115.62 which was reduced to \$671,734.69 shall be further reduced by \$1,403.81, so that the amount to remain shall be \$670,330.88; and

The Cash Bond in the original amount of \$248,790.62 which was reduced to \$74,637.19 shall be further reduced by \$155.98, so that the amount to remain shall be \$74,481.21; and

BE IT FURTHER RESOLVED, that the above reductions for Section 1 shall be subject to the payment of all fees required by the Developer's Agreements and payment in the amount of \$16,500 for pavement improvements along Wyncrest Road; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for Rosemont Estates Section 2 shall be reduced as follows:

The Performance Bond in the original amount of \$968,749.74 which was reduced to \$524,098.68 shall be further reduced by \$9,933.09 (Gordons Corner/Wyncrest only), so that the amount to remain shall be \$514,165.59; and

The Cash Bond in the original amount of \$107,638.86 which was reduced to \$58,233.19 shall be further

reduced by \$1,103.68, so that the amount to remain shall be \$57,129.51; and

BE IT FURTHER RESOLVED, that the above reductions for Section 2 shall be subject to the payment of all fees required by the Developer's Agreements and payment in the amount of \$11,500.00 for pavement improvements along Wyncrest Road and Gordon's Corner Road; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Rosemont Estates, LLC
- b. Gulf Insurance Co.
- c. Sovereign Bank
- d. First Indemnity of America
- e. Township Engineer
- f. Chief Financial Officer
- g. Gluck Walrath LLP

The following Res. # 2007-114 (Bond Release - Grading/Clearing - Marlboro Grande) was introduced by reference, offered by Councilwoman Tragni and seconded by Council President Cantor. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2007-114

A RESOLUTION AUTHORIZING THE RELEASE OF THE  
RESTORATION CASH BOND FOR THE MARLBORO GRANDE PROJECT,  
BLOCK 299, LOT 3, STATE HIGHWAY NO. 9

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from Marlboro Grande, for the release of the Restoration Cash Bond being held by the Township with respect to the site improvements for Block 299, Lot 3, State Highway No. 9 (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 27, 2007 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Restoration Cash Bond being held by the Township for the Project conditioned upon: 1) verification by the Township Attorney and Township Clerk of the posting of an insurance company bond in the amount of \$1,768,828.32 and cash bond in the amount of \$196,536.48,

and 2) the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Restoration Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Restoration Cash Bond in the amount of \$102,240.00 posted for the Project be and hereby is released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Restoration Cash Bond shall be conditioned upon: 1) verification by the Township Attorney and Township Clerk of the posting of an insurance company bond in the amount of \$1,768,828.32 and cash bond in the amount of \$196,536.48, and 2) the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Marlboro Grande
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. # 2007-115 (Requesting Participation in County-Led Records management Needs Assessment) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

#### RESOLUTION # 2007-115

#### RESOLUTION REQUESTING PARTICIPATION IN COUNTY-LED RECORDS MANAGEMENT NEEDS ASSESSMENT

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation and storage needs of county and municipal governments; and

WHEREAS, the State Records Committee (SRC), New Jersey Division of Archives and Records Management (DARM) and the Corzine administration have all declared shared services of utmost priority and importance with the goal of saving taxpayer dollars; and

WHEREAS, the SRC has declared that projects that call for the county government to provide for a records needs assessment, inventory and strategic plan for all constituent municipalities within their government to be of high priority for the PARIS program; and

WHEREAS, the Township of Marlboro is interested in pursuing records management shared services with the County of Monmouth and acknowledges that a comprehensive records management needs assessment is an essential building block of our own records management program; and

WHEREAS, doing so will allow the county to pursue an efficient and centralized records management program; and

WHEREAS, applying for such will give the county a higher competitive edge during the application and grant review process;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro encourage the Board of Chosen Freeholders of the County of Monmouth to agree to conduct a comprehensive needs assessment for the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Clerk forward a certified true copy of this resolution to Mark E. Acker, Director of Finance, County of Monmouth.

The following Res. # 2007-116 (Rescinding Contract - Purchase of Mobile Data Terminals) was introduced by reference, offered by Councilman Pernice seconded by Council Vice President Rosenthal, and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007 -116

RESOLUTION RESCINDING RESOLUTION # 2007-72  
THE PURCHASE OF NINE (9) MOBILE DATA TERMINALS  
(MDT's) FOR THE MARLBORO TOWNSHIP  
POLICE DEPARTMENT STATE CONTRACT #A88804

WHEREAS, the Township Council of the Township of Marlboro authorized that the Township purchase nine (9) Mobile Data Terminals (MDT's) from Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701 under State Contract #A88804 not to exceed \$38,655.00; and

WHEREAS, it has been determined that the State Contract was no longer in effect; and

WHEREAS, funds were certified in Capital Account Numbers X-04-55-933-928, X-04-55-933-929, X-04-55-960-943 and X-04-55-960-644; and

WHEREAS, it is necessary to cancel that certification;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby rescinded to purchase nine (9) Mobile Data Terminals (MDT's) from Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701 under State Contract #A88804 not to exceed \$38,655.00; and

BE IT FURTHER RESOLVED, that the certification of funds be canceled; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications, Lakewood, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-117 (Authorizing Purchase of Mobile Data Terminals) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Cantor and passed on a call vote of 5 - 0 in favor.

RESOLUTION # 2007-117

RESOLUTION AUTHORIZING THE PURCHASE OF FIVE (5) MOBILE  
DATA TERMINALS (MDT's) AND RELATED EQUIPMENT FROM QUALITY  
COMMUNICATIONS FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for the purchase of five (5) Mobile Data Terminals (MDT's) and related equipment; and

WHEREAS, the Police Department received the following estimates:

1. Quality Communications, Lakewood, New Jersey - \$18,970.05

2. Transcor-IT, Georgetown, Massachusetts - \$22,559.00

3. Pelican Mobile, Glen Burnie, Maryland - \$21,320.00

WHEREAS, the lowest estimate for the purchase of the aforementioned items is less than \$21,000.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to Quality Communications for the purchase of the aforementioned items; and

WHEREAS, funds are available in Capital Account Number X-04-55-933-928 and X-04-55-933-929 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase of five (5) Mobile Data Terminals (MDT's) and related equipment from Quality Communications, 1985 Swarthmore Avenue, Lakewood, New Jersey 08701; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications, Lakewood, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-118 (Award of Contract - Road Materials) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a call vote of 5 - 0 in favor.

RESOLUTION # 2007-118

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
FOR THE PROVISION OF ¾" CLEAN STONE, CRUSHED CONCRETE,  
AND ASPHALT (I-4 & I-5) THROUGH THE WESTERN  
MONMOUTH PURCHASING GROUP TO MARLBORO TOWNSHIP

WHEREAS, The Western Monmouth Purchasing Group (the "Group"), a registered cooperative pricing system, created by which the Township of Freehold, Township of Manalapan, Township of Marlboro, and the Borough of Freehold participate amongst themselves in the process of public bidding; and

WHEREAS, Freehold Borough, the Lead Agency, solicited for bids for the materials, services or equipment for the provision of various streets and roads materials, including ¾" clean stone, crushed concrete and asphalt (I-4 & I-5), with the objective of maximizing the price for all participants; and

WHEREAS, the Group received six (6) bids for various materials from the following vendors:

- A. R.W.V. Land & Livestock South, Inc.  
351 Pfister Road  
Jackson, NJ 08527
- B. Yardville Supply Company  
P.O. Box 8427  
Trenton, NJ 08650
- C. The Walter R. Earle Corporation  
P.O. Drawer 757  
Farmingdale, NJ 07727
- D. Stavola Asphalt Company, Inc.  
P.O. Box 482  
Red Bank, NJ 07701
- E. A.E. Stone, Inc.  
1435 Doughty Road  
Egg Harbor Township, NJ 08234
- F. Trap Rock Industries, Inc.  
P.O. Box 419  
Kingston, NJ 08528; and

WHEREAS, the Administration, the Director of Public Works and the Township Attorney have reviewed said bids and recommend that contracts be awarded to Stavola Asphalt Co., R.W.V. Land &



Livestock, Trap Rock Industries as the lowest qualified bidders submitting conforming bids for the provision of  $\frac{3}{4}$ " clean stone, crushed concrete and asphalt (I-4 & I-5), respectively; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a contract to Stavola Asphalt Co., the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications for the provision of 100 tons of  $\frac{3}{4}$ " clean stone; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a contract to R.W.V. Land & Livestock, the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications for the provision of 50 tons of crushed concrete; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a contract to Trap Rock Industries, the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications for the provision of 1,500 tons of asphalt (I-4 & I-5); and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, in accordance with the aforementioned recommendations that the contract for the provision of 100 tons of  $\frac{3}{4}$ " Clean Stone for the Township of Marlboro be and hereby is awarded to Stavola Asphalt Company for the provision of 100 tons of  $\frac{3}{4}$ " Clean Stone; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a contract for one year, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Stavola Asphalt Company for provision of 100 tons of  $\frac{3}{4}$ " Clean Stone for the Township of Marlboro in an amount not to exceed \$1,450.00, and in accordance with the bid proposal submitted by Stavola Asphalt Company; and

BE IT FURTHER RESOLVED, in accordance with the aforementioned recommendations that the contract for the provision of crushed concrete for the Township of Marlboro be and hereby is awarded to R.W.V. Land & Livestock for the provision of 50 tons of crushed concrete; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a contract for one year, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and R.W.V. Land & Livestock for provision of 50 tons of crushed concrete for the

Township of Marlboro in an amount not to exceed \$507.50, and in accordance with the bid proposal submitted by R.W.V. Land & Livestock; and

BE IT FURTHER RESOLVED, in accordance with the aforementioned recommendations that the contract for the provision of asphalt (I-4 & I-5) for the Township of Marlboro be and hereby is awarded to Trap Rock Industries for the provision of 1,500 tons of asphalt (I-4 & I-5); and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a contract for one year, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Trap Rock Industries for provision of 1,500 tons of asphalt (I-4 & I-5) for the Township of Marlboro in an amount not to exceed \$60,000.00, and in accordance with the bid proposal submitted by Trap Rock Industries; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for these contracts, which are attached hereto, and that sufficient funds are available for said contracts from Account Number X-04-55-960-960 ; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Stavola Asphalt Co.
- b. R.W.V. Land & Livestock
- c. Trap Rock Industries
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP.

The following Res. # 2007-119 (Purchase on State Contract - 4 Dell Computers - Police) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a call vote of 5 - 0 in favor.

RESOLUTION # 2007-119

RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) PRECISION  
690 WORKSTATIONS FOR THE MARLBORO TOWNSHIP POLICE  
DEPARTMENT STATE CONTRACT #A81247

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase four (4) Precision 690 workstations from Dell Marketing LP, One Dell Way, RR8 Box 8724, Round Rock, TX 78682 under State Contract #A81247 not to exceed \$26,272.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said equipment to the Township of Marlboro; and

WHEREAS, funds are available in Account Number G-07-41-604-399 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase four (4) Precision 690 workstations from Dell Marketing LP, One Dell Way, RR8 Box 8724, Round Rock, TX 78682 under State Contract #A81247 not to exceed \$26,272.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Dell Marketing LP, Round Rock, TX
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-120 (Settlement - Amwest Surety Ins. Co.) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a call vote of 5 - 0 in favor.

RESOLUTION # 2007-120

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF OFFER  
FOR SETTLEMENT OF AMWEST SURETY INSURANCE  
COMPANY CLAIM BY MARLBORO TOWNSHIP

WHEREAS, the Township of Marlboro filed a claim against Amwest Surety Insurance Company ("Amwest"), Case #01-2102 arising from a bail forfeiture; and

WHEREAS, Amwest was placed into liquidation in 2001 by the District Court of Lancaster County, Nebraska; and

WHEREAS, the District Court of Lancaster County, Nebraska approved Marlboro Township's claim against Amwest in the amount of \$2,500.00; and

WHEREAS, Argo Partners, an investment firm specializing in the purchase of claims of creditors of distressed companies, has made an offer of \$625.00 for the purchase of Marlboro Township's claim against Amwest, the proposed Claim Purchase Agreement and Assignment of Claim being attached hereto and made a part hereof; and

WHEREAS, no distributions have been made by Amwest in the liquidation to any creditors in Marlboro's class of creditors; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to sell its claim against Amwest pursuant to the terms and conditions set forth in the attached to avoid the cost and uncertainty of further prosecution and collection of the claim.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the sale of the Township of Marlboro's claim against Amwest pursuant to the terms and conditions set forth within the attached Assignment of Claim and Claim Purchase Agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor be and hereby is authorized to execute the Claim Purchase Agreement and the Assignment of Claim in forms substantially similar to that attached hereto; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Argo Partners
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. #2007-124 (Authorizing Refund of Application Fee - SFC Enter.), was removed from the consent agenda and voted on separately.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor: Res. #2007-121 (Redemption Tax Sale Cert. B. 171 L. 36.02), Res. #2007-122 (Refunds for Overpayments - Various), Res. #2007-123 (Cancelling Uncollectible Taxes B. 268.05, L. 16), Res. #2007-125 (Amending Bingo License - St. Gabriel's Church) and Res. #2007- 127 (Tax Sale April 29<sup>th</sup> - Fees).

RESOLUTION # 2007-121

WHEREAS, Tax Sale Certificate #06-26 for Block 171 Lot 36.02, now assessed to Deutsche Bank National Trust Co., located at 57 Station Road, has been redeemed in the amount of \$18,139.66,

WHEREAS, the holder of the above-mentioned tax sale certificate, Park Finance, LLC, is entitled to the amount of the sale plus interest and costs totaling \$18,139.66,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$18,139.66 be refunded to the holder of said certificate as above.

RESOLUTION # 2007-122

WHEREAS, the attached list in the amount of \$3,788.35 known as Schedule "A", is comprised of amounts representing overpayments for 2007 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
193.13	116	Rosemont Estates II, LLC	\$ 512.16
121	Scarborough Way	Attn: Nancy Rose 242 Route 79, Suite 9 Morganville, NJ 07751 (Former Assessed Owner)	
270	46	Wells Fargo Home Mortgage	1,885.24
30	Riley Road	Attn: Thomas Rexroat 1 Home Campus, MAC X2301-03D Des Moines, IA 50328 Re: Laura & Miguel Eguia	
412.07	15	Ocean First Bank	1,390.95
30	Barn Swallow Blvd	975 Hooper Avenue Toms River, NJ 08753 Re: Alexander & Tatiana Elgort	
TOTAL:			\$ 3,788.35

RESOLUTION # 2007-123

A RESOLUTION AUTHORIZING THE CANCELLATION OF  
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, there are property taxes that remain outstanding and unpaid relating to the following property as designated on the Marlboro Township Tax Map: Block 268.05, Lot 16, assessed to Group Construction of Manalapan I, Inc., located on Tennent Road & Route 520; and

WHEREAS, it has been determined that the outstanding 2006 taxes of \$1,328.82 are deemed to be uncollectible, the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey cancel the amount of \$1,328.82 as stated above.

RESOLUTION # 2007-125

BE IT RESOLVED by the Township Council of the Township of Marlboro that an amendment to Bingo License # BL: 02-06/07 be and it

is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746 to allow a change to their conduct of games starting April 2, 2007 through December 17, 2007.

RESOLUTION # 2007-127

WHEREAS, the Township of Marlboro will hold a Tax Sale on April 19th, 2007; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in connection with the tax sale including, but not limited to, advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Shirley Giaquinto, Tax Collector, be and hereby is authorized and directed to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

Councilwoman Morelli recused herself from this matter and left the room. The following Res. #2007-124 (Authorizing Refund of Application Fee - SFC Enter.), was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-124

A RESOLUTION AUTHORIZING THE REFUND OF APPLICATION  
FEE PAID BY SFC ENTERPRISES, INC. TO THE  
MARLBORO TOWNSHIP PLANNING BOARD

WHEREAS, in accordance with N.J.S.A. 40:55D-23, et seq., the Township of Marlboro Planning Board ("Planning Board") received an application from SFC Enterprises, Inc. along with an application fee in the amount of \$5,747.00; and

WHEREAS, in accordance with N.J.S.A. 40:55D-23, et seq. and N.J.S.A. 40:55D-69, et seq. the Planning Board determined that they did not have jurisdiction over the application made by SFC Enterprises, Inc.; and

WHEREAS, as a result of the determination by the Planning Board, the application for SFC Enterprises, Inc. was transferred to the Marlboro Township Zoning Board of Adjustment ("Zoning Board"); and

WHEREAS, SFC Enterprises, Inc. has posted a new application fee and escrow for the Zoning Board application; and

WHEREAS, the Township Council now desires to refund the application fee paid by SFC Enterprises, Inc. to the Planning Board in the amount of \$5,747.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the application fee paid by SFC Enterprises, Inc. to the Planning Board in the amount of \$5,747.00 be refunded to SFC Enterprises, Inc.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. SFC Enterprises, Inc.
- b. Chief Financial Officer
- c. Gluck Walrath LLP

At 9:55PM, Councilman Pernice moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 10:05PM.

RESOLUTION # 2007-126

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15<sup>th</sup> day of March, 2007 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential



until such time as confidentiality is no longer required.  
Action may be taken following the executive session.

At 10:15PM, Councilman Pernice moved that the meeting be opened.  
This was seconded by Councilwoman Morelli, and as there was no  
objection, the Clerk was asked to cast one ballot.

At 10:20PM, Council President Cantor moved that the meeting  
be adjourned. This was seconded by Council Vice President  
Rosenthal, and as there was no objection, the Clerk was asked  
to cast one ballot.

MINUTES APPROVED: April 26, 2007

OFFERED BY:	Rosenthal	AYES:	5
-------------	-----------	-------	---

SECONDED BY:	Pernice	NAYS:	0
--------------	---------	-------	---

---

ALIDA DE GAETA  
MUNICIPAL CLERK

---

JEFF CANTOR  
COUNCIL PRESIDENT